

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-24204 - APPLICANT/OWNER: LAS VEGAS VALLEY
WATER DISTRICT**

**** CONDITIONS ****

Staff recommends APPROVAL subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for the Restaurant Service Bar use.
2. Hours of operation shall be from 10:00 a.m. to 11:00 p.m. daily.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Restaurant with Service Bar at 317 South Valley View Boulevard. The use will be located within the Visitors Center of the Las Vegas Springs Preserve.

This property was previously approved for a Special Use Permit (SUP-20477) for a Liquor Establishment (Tavern) use; however, the approval was limited to 120 days from the approval date and expired 09/14/07. The Restaurant with Service Bar use allows alcohol to be served at the specified location, but only in conjunction with a meal. Patrons are not allowed to order directly from the bar.

Staff recommends approval, as there are no protected properties within the required 400-foot distance separation radius and the proposed Restaurant with Service Bar is located well within the interior an 80-acre parcel designated as a historic site as well as a C-V (Civic) zoning district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
07/01/92	The City Council approved a Rezoning (Z-0026-92) to the C-V (Civic) zoning district on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
02/07/01	The City Council approved a request for a Site Development Plan Review [Z-0026-92(4)] of the master plan for a proposed 110-acre public use facility, including approximately 266,100 square feet of building area for a visitor center, interpretive center, museum, research area, garden support, and administrative offices on 175.58 acres on the east side of Valley View Boulevard between Alta Drive and U.S. 95. The Planning Commission and staff recommended approval.
05/02/01	The Planning and Development Department administratively approved a request for an administrative Site Development Plan Review [Z-0026-92(5)] for Phase 1 of an approved 110-acre public use facility, including a 26,600 square foot pumping station building, on 175.58 acres on the east side of Valley View Boulevard, between Alta Drive and U.S. 95.
12/07/01	The Planning and Development Department administratively approved a request for an administrative Site Development Plan Review [Z-0026-92(7)] for a proposed 33,997 square-foot garden support and maintenance facility consisting of five buildings, located adjacent to the northeast corner of Alta Drive and Valley View Boulevard.

01/18/02	The Planning and Development Department administratively approved a request for an administrative Site Development Plan Review [Z-0026-92(8)] for a proposed 54,500 square foot “Desert Living Center” consisting of four buildings located adjacent to the northeast corner of the intersection of Alta Drive and Valley View Boulevard.
01/06/03	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-1465) for a proposed 75,032 square foot visitor center in conjunction with the Las Vegas Springs Preserve adjacent to the east side of Valley View Boulevard, approximately 1,560 feet north of Alta Drive.
06/18/03	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-2258) for trails, canopies, ramadas, interpretive pavilion and displays in conjunction with the Las Vegas Springs Preserve on 80 acres adjacent to the south side of U.S. 95, approximately 490 feet east of Valley View Boulevard.
12/21/06	The Planning Commission approved a request for a Master Sign Plan (MSP-18047) for an Approved Government Facility at 333 South Valley View Boulevard for the entire 180-acre site. Staff recommended approval.
05/16/07	The City Council approved a Special Event Alcoholic Beverage license for a catering business at 333 South Valley View Boulevard on the subject site for private party/sit-down dinner/concert events on May 30, 2007 and June 5, 8 and 9, 2007.
05/16/07	The City Council approved a Special Use Permit (SUP-20477) for a Liquor Establishment (Tavern) with a Waiver to allow a Liquor Establishment (Tavern) use 80 feet from a child care center, 100 feet from a church, 1,200 feet from a public school, and 1,400 feet from a city park where a distance separation of 1,500 feet is required at 317 South Valley View Boulevard. The Planning Commission and staff recommended approval. The City Council placed the following conditions on the approval: (1) The service shall be at tables only in the restaurant in conjunction with the meals; (2) There will be no gaming machines; (3) The approval is for beer and wine only; (4) The Special Use Permit is approved for 120 days only. The approval expired 09/14/07.
06/06/07	The City Council approved a temporary Tavern license for a catering business to operate a tavern with eight bars at 333 South Valley View Boulevard. The approval was subject to the following conditions: (1) The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m. (2) Alcohol sales shall be conducted only in conjunction with food service; (3) The temporary license shall be for a maximum of 120 days. Per licensing records, the license will expire 11/02/07 at 12:00 a.m.

08/15/07	The City Council adopted Ordinance No. 5922, which added Restaurant Service Bar, Supper Club, Banquet Facility (with Alcoholic Beverage Sales), On-sale Beer/Wine/Cooler Establishment and Social Event with Alcoholic Beverage Sales to the list of uses permitted in the C-V (Civic) Zoning District by means of a special use permit.
09/05/07	The City Council approved a Special Event Alcoholic Beverage license for a catering business at 333 South Valley View Boulevard on the subject site for the Las Vegas Springs Preserve Post Opening VIP event on September 13, 2007.
10/11/07	The Planning Commission considered a related Special Use Permit (SUP-24483) for a Banquet Facility (with Alcoholic Beverage Sales) on the subject site. Staff recommends APPROVAL
<i>Related Building Permits/Business Licenses</i>	
BUILDING PERMITS	
05/10/05	A building permit (#05003047) was issued for a building and garden at 313 South Valley View Boulevard. A final inspection was completed 07/05/07.
05/10/05	A series of building permits (#05003034 through 05003038) was issued for five buildings at 325, 329, 333, 337 and 341 South Valley View Boulevard. Final inspections were completed between 06/04/07 and 09/07/07. 329 South Valley View has a temporary final until 09/07/07.
05/10/05	A building permit (#05003045) was issued for a building at 317 South Valley View Boulevard. A final inspection was completed 07/03/07.
05/16/07	A building permit (#07001601) was issued for a tenant improvement for Certificate of Completion for a restaurant at 333 South Valley View Boulevard. A temporary Certificate of Occupancy was issued until 09/04/07.
BUSINESS LICENSES	
Month/date/year	Description
05/17/07	A Special Event Alcoholic Beverage License (L27-00085) was issued for a catering business at 333 South Valley View Boulevard for private party/site down dinner/concert events on May 30, 2007 and June 5, 8 and 9, 2007.
07/03/07	Tentative approval was granted for a temporary business license for a Tavern (L16-93311) at 333 South Valley View Boulevard. The license will expire 11/02/07.
09/05/07	A Special Event Alcoholic Beverage License (L27-00097) was issued for a catering business at 333 South Valley View Boulevard for the Las Vegas Springs Preserve Post Opening VIP event on September 13, 2007.
09/07/07	The applicant applied for business licenses for Liquor Caterer (L18-95926), Restaurant Service Bar (L19-95927) and Banquet Facility with Alcoholic Beverage Sales (L28-95928) at 333 South Valley View Boulevard. These licenses are in review and are pending action on SUP-24204 and SUP-24483.

<i>Pre-Application Meeting</i>	
A pre-application meeting was waived for this application.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
09/18/07	The site is developed with several large concrete and iron buildings, gardens and trails within a desert environment. A non-stealth design wireless communication facility is located on the site along Valley View Boulevard. The café is located within 317 South Valley View Boulevard in the Visitor Center east of the parking area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	80.48 (a portion of the overall 180-acre Springs Preserve site)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Governmental Facility (Cultural Resource Center)	PF (Public Facility)	C-V (Civic)
North	Governmental Facility (Cultural Resource Center)	PF (Public Facility)	C-V (Civic)
South	Public Utility Facility and Parking	PF (Public Facility)	C-V (Civic)
East	Governmental Facility (Cultural Resource Center)	PF (Public Facility)	C-V (Civic)
East	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Regional Mall, Retail and Office	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V Civic District	X		Y
A-O Airport Overlay District (140 Feet)	X		Y
H Historic Designation (Big Springs-Las Vegas Springs)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X*	Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*The subject property is located adjacent to an established Rural Preservation Neighborhood to the east.

DEVELOPMENT STANDARDS

Title 19.06.020 states that minimum development standards for a property in a C-V (Civic) District shall be established upon approval of a Rezoning or Site Development Plan. All proposed structures will have adequate setbacks from property lines, and lot coverage for the development is minimal.

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	180 acres
Min. Lot Width	1,300 feet
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	965 feet 337 feet 572 feet 580 feet
Min. Distance Between Buildings	60 feet
Trash Enclosure	Screened
Mech. Equipment	Screened

Pursuant to Title 19.08.060, this property is excluded from Residential Adjacency Standards, as the facilities and activities on this site are operated by a non-profit organization.

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Government Facility	157,549 SF	1 space per 300 SF GFA	525				
SubTotal			514	11	476	26	
TOTAL			525		502		Y*

Title 19.06.020 states that minimum development standards for a property in a C-V (Civic) District shall be established upon approval of a Rezoning or Site Development Plan. The development plan shows 502 parking spaces, which is adequate based on the nature of the Springs Preserve when compared to the number of spaces required by Title 19.10 as shown in the table above. Eight regular spaces are shown that are large enough to accommodate buses. Additional unpaved overflow parking containing room for 55 vehicles is also provided, but not included in the parking count.

ANALYSIS

- Zoning

The subject site on which the use will be located is zoned C-V (Civic). This district allows for the continuation of existing public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. The Restaurant with Service Bar use is permitted in the C-V (Civic) District with approval of a Special Use Permit, as the parcel and use are controlled by an agency or subdivision of government.

The subject use is to be located within the Visitor Center on the site of the Las Vegas Springs Preserve, a unique historical and interpretive area. This building is located on a parcel of 80 acres, which is part of the overall 180-acre site. Access to the site is from a main entrance on Valley View Boulevard. The Pioneer Trail is developed and located on the east side of Valley View Boulevard. A Pedestrian Path as described in the Transportation Trails Element of the Las Vegas 2020 Master Plan is constructed along the north side of Alta Drive adjacent to the site.

Parking is provided within three lots on the west side of the site. Parking facilities are adequate to meet the type of overall development and its demands.

- Use

A Restaurant with Service Bar use is defined by Title 19 as a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.

The use is to be confined to an 8,669 square foot café located within the Visitor Center. Of the total floor area, 2,488 square feet consists of outdoor seating. Food and alcohol is to be ordered at the walk-up counter and then will be delivered by staff to customers' tables.

The proposed hours of operation for this use are 10:00 a.m. to 11:00 p.m. daily.

- Conditions

Per Title 19.04.010, the following are minimum Special Use Permit requirements of a Restaurant with Service Bar use. An asterisk indicates the requirement is not waivable:

1. No restaurant service bar shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or city park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a restaurant service bar proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant service bar will be located, without regard to intervening obstacles; or

- b. In the case of a proposed restaurant service bar which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant service bar will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- 5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
- *6. In the O District, a restaurant service bar is permitted only as an accessory use.
- *7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use meets Condition 1, as verified through Condition 3.

Condition 2 does not apply, as the proposed use is located on a parcel of 80 acres or larger, which is discussed in Condition 3.

The proposed use meets Condition 3. Measuring in a straight line from the nearest property line of the nearest protected use (an existing church) to the nearest portion of the structure in which the Restaurant with Service Bar will be located, the distance separation is 572 feet.

Conditions 4, 5 and 6 do not apply to this request.

The proposed Restaurant with Service Bar will comply with all applicable licensing requirements. In addition, the hours of operation will be limited to those requested by the applicant.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Restaurant with Service Bar will be harmonious and compatible with adjacent residential land uses to the east and west, as the café is located well within the interior of the 180-acre site. The site is also bounded by U.S. 95 to the north, the Las Vegas Valley Water District properties to the south, and other commercial development to the west; approval of this use will have no impact on those properties. The use meets the required distance separation from all protected uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is part of an overall 180-acre historical and cultural resource site. The proposed Restaurant with Service Bar use will be conducted within the Visitor Center, which was approved as part of a previous request. The facilities are adequate to operate this use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is primarily accessed by a driveway on Valley View Boulevard, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. A secondary service access is located on the north side of Alta Drive, also designated as an 80-foot Secondary Collector. These roadways are adequate to meet the demand for the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Restaurant with Service Bar use will be subject to Code provisions for licensing and subsequent inspection, and therefore will not compromise the public health, safety, or general welfare.

5. The use meets all of the applicable conditions per Title 19.04.

Conditions 1, 3 and 7 are met by this request as noted above. Conditions 2, 4, 5 and 6 do not apply.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 559 by City Clerk

APPROVALS 0

PROTESTS 2